IN THE CHANCERY COURT OF OKTIBBEHA COUNTY, MISSISSIPPI

EDWARD JACOB LUECKENBACH II PLAINTIFF

v. CAUSE NO: 16-357

HORIZON MISSISSIPPI PUBLICATIONS, INC. d/b/a STARKVILLE DAILY NEWS USDC CASE NO. 1:16cv189-SA-DAS DEFENDANT

FIRST AMENDED COMPLAINT FOR PRELIMINARY INJUNCTION, PERMANENT INJUNCTION, AND OTHER RELIEF

COMES NOW, EDWARD JACOB LUECKENBACH II ("Edward"), by and through his undersigned counsel of record, and files this Complaint against HORIZON MISSISSIPPI PUBLICATIONS, INC. d/b/a STARKVILLE DAILY NEWS ("SDN"), and in support thereof would show as follows:

Parties and Jurisdiction

1. Edward is an adult resident citizen of Washington County, Mississippi.
2. SDN is a Delaware corporation doing business in Oktibbeha County, Mississippi; it may be served with process on its registered agent, Corporation Service Company, at 5760 I-55 North, Suite 150, Jackson, MS 39211.
3. This Court has jurisdiction pursuant to Miss. Const. art. 6 § 159 and Miss. Code Ann. § 9-5-81, and venue is properly fixed in Oktibbeha County, Mississippi.

OKTIBBEHA COUNTY FILED SEP 19 2016 [signature] CHANCERY CLERK

Facts

4. On or about April 22, 2016, Edward, through counsel, sent a letter via certified mail demanding that SDN remove a defamatory website post stating that he had been arrested for

EXHIBIT "B"

public profanity or drunkenness by the Starkville Police Department. A screenshot of the defamatory statement located on SDN's website is attached hereto as Exhibit A.

5. After three months passed without a response to the letter or a return phone call, Edward again reached out to SDN.
6. SDN, first through its publisher and then through counsel, refused to remove the defamatory accusation.
7. As a result of SDN's refusal to remove the posting, the false allegation has been available to every person with internet access for the more than four months since SDN was notified of its existence.

Count I: Injunctive Relief

8. Edward incorporates the averments of Paragraphs 1-7 as though fully restated herein.
9. SDN's continual publication of the false assertion that Edward was arrested by Starkville Police Department will immediately and irreparably damage Edward's reputation and career prospects.
10. This Court should issue a preliminary injunction against SDN, enjoining it from continuing to publish the false allegation.
11. After a final hearing, this Court should further issue a permanent injunction against SDN, enjoining it from continuing to publish the false allegation.

Count II: Defamation

12. Edward incorporates the averments of Paragraphs 1-11 as though fully restated herein.
13. Edward notified SDN multiple times of the falsity of the statement it continued, and still continues, to publish.

14. SDN persisted in publishing the information despite it having actual notice of its falsity pursuant to Mississippi law.

15. Edward has been damaged by SDN's willful conduct.

WHEREFORE, PREMISES CONSIDERED, Edward respectfully requests this Court grant him the following relief:

a) A preliminary injunction enjoining SDN from continuing to publish any statement regarding an alleged arrest of Edward by Starkville Police Department;

b) A permanent injunction enjoining SDN from continuing to publish any statement regarding an alleged arrest of Edward by Starkville Police Department;

c) A judgment against SDN for compensatory damages, punitive damages, and reasonable attorney's fees; and

d) Any other relief, general and specific, this Court deems proper.

RESPECTFULLY SUBMITTED, this the 19th day of September, 2016.

EDWARD JACOB LUECKENBACH II

s/Jay Howard Hurdle

Jay Howard Hurdle
Attorney for Plaintiff

Jay Howard Hurdle (MS Bar #103012)
Hurdle Law Firm PLLC
100 North Lafayette St. #2
Starkville, MS 39759
(662) 546-0588 phone
(662) 796-3165 fax
jay@hurdlelawfirm.com